

Exploring the Knowledge and Perception of University Law Students on Bangladesh's Draft Over-the-Top (OTT) Content Regulation Law

A Cross-Sectional Study Conducted via Online Survey

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Abstract

Regulating content on over-the-top (OTT) platforms, social media, and digital space has become a priority for many countries worldwide, including Bangladesh. In response, the 'Bangladesh Telecommunication Regulatory Commission Regulation for Digital, Social Media and OTT Platforms, 2021' was first released on February 3, 2022, and later submitted to the High Court on October 19, 2022, following standard procedure. As a crucial stakeholder group, legal studies students possess expert knowledge of the legal framework and have the potential to shape the implementation of this law as future legal professionals. However, the knowledge and perception of this group regarding the draft law remain largely unexplored, despite their potential to significantly contribute to the effectiveness of the law. Therefore, this cross-sectional exploratory study aims to investigate the knowledge and perception of 203 legal studies students from the University of Rajshahi and Varendra University in Bangladesh, through a self-reported online survey conducted on December 2022. The study found that while 58% of participants believe a dedicated law is necessary for regulating OTT platform content, 69% were not aware of the newly drafted law. Additionally, over 60% of participants believed the law could pose a barrier to creative freedom, while almost half believed it could be misused. Despite Netflix and *Hoichoi* being the most viewed platforms among the participants, around 90% felt that *Ullu* would be the most affected OTT platform by the new law, despite having only 10% viewership. The study's findings suggest that the law needs to balance creative freedom with regulation while providing safeguards against potential misuse. Furthermore, this study provides insights into the perception of a key demographic group of this law, which could inform future policymaking and regulation of OTT platforms in Bangladesh.

Keywords: OTT platform, Digital Regulation, Legal studies students, Bangladesh Telecommunication Regulatory Commission Regulation

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Introduction

The over-the-top platforms that distribute audio-visual content through a publicly accessible network have become a popular form of entertainment in the last decade and are expected to become a \$150 billion market by 2024. Coupled with the rapid development of telecommunication, these OTT platforms have created an astonishing virtual life that blurred the line between consumers and creators and transformed every individual into prosumers, i.e., the consumers who simultaneously consume and create content. Keeping up with the development of this new way of entertainment, countries China, New Zealand, Japan, Singapore, Australia, and Vietnam has already developed guidelines to regulate these platforms while Indonesia, Thailand, Malaysia, and Bangladesh are in the process of developing guidelines. The development of OTT guidelines in Bangladesh was initiated by a High Court bench as they directed the government to take the necessary initiative for formulating a guideline to operate OTT platforms in Bangladesh to prevent obscenity and to enable the collection of revenue. Furthermore, a study found that internet connectivity positively influences the market share of the OTT industry, and recent data shows that there are at least 52 million active internet users in Bangladesh, with a yearly growth reported as 5.5 million users, which further emphasizes the need for establishing a law for regulating the OTT platforms as the number of consumers is predicted to increase.

Under these circumstances, the first draft of the 'Bangladesh Telecommunication Regulatory Commission Regulation for Digital, Social Media and OTT Platforms, 2021' was published on February 3, 2022, for feedback from stakeholders, and the final draft of the law was submitted on 19 October 2022, to the High Court following standard procedure. One of the key demographic groups in these stakeholders is the legal studies students because of their expert knowledge of the legal framework and their potential to shape the implementation of this as future legal professionals. However, the perception of this key demographic group regarding this draft law remained largely underexplored despite having the potential to significantly contribute to the effectiveness of this law. Therefore, this research aims to explore the perception of university law students regarding this newly drafted law to regulate digital, social media, and over-the-top (OTT) platforms.

Materials and Methods

This cross-sectional exploratory study aimed to investigate the perception of legal studies students regarding the newly drafted law to regulate digital, social media, and over-the-top (OTT) platforms in Bangladesh. This study was carried out among the students of the law department in two universities in the Rajshahi district, i.e., the Rajshahi University and the Varendra university, and covered approximately 15 percent of the total population of both of these departments. A convenience sampling technique was used to select the participants, and the survey was self-administered through an online survey platform, Google Forms. A total of 203 legal studies students participated in the study.

Prior to the survey, an extensive literature review was conducted to design a survey questionnaire, which was piloted among the students of a law department in a reputed university not involved in the study. After the initial feedback, the survey was fine-tuned and fielded. Participation in the survey was voluntary, and the participants were informed about the study's objectives and their right to withdraw at any time through an informed consent form at the beginning of the survey. The sample size was not pre-determined; rather the survey was programmed to accept responses for one week, i.e., 19th December 2022-25th December 2022, and the total number of participants stood at 203 individuals (n=203). After data collection, a data cleaning phase was conducted, and string responses were coded. Descriptive statistics, including frequencies and percentages, were used to report and characterize the responses. The responses to the multiple-choice and Likert scale-type questions were included in the analysis.

Results

Of the 203 participants of this study, the gender distribution of the study participants was 61 percent males and 39 percent females; 77 percent of the participants were bachelor-level students, and 33 percent of them were post-graduate students. In terms of age, most of the participants (59%) were between 22 to 25 years of age, and the least of the participants were between 18 to 21 years of age (Table 01).

Table 01: Sociodemographic Profile of the study participants

		Percentage
Age	18 to 21 years	19
	22 to 25 years	59
	26 to 29 years	22
Gender	Female	39
	Male	61
Education	Graduation (Bachelor)	77
	Post-graduation (Master)	23

Although Netflix was found the most-viewed OTT platform among the participants (n=103), followed by *Hoichoi* (n=73), and Chorki (n=51), this study found differences in viewership based on participants' socio-demographic profiles. The participants aged between 18 to 25 years reported Netflix as their most-viewed OTT platform in the last six months; however, *Hoichoi*, an Indian-owned OTT platform with Bengali content, was reported as the most-viewed platform for the age group 26-29 years (Table 02).

Table 02: OTT Viewership According to Demographic Profile

		Netflix (f)	Amazon Prime (f)	<i>Hoichoi</i> (f)	Chorki (f)	Bioscope (f)
Age	18 to 21 years	22	19	7	10	6
	22 to 25 years	61	11	13	14	10
	26 to 29 years	20	5	53	27	15
Gender	Female	51	30	65	31	20
	Male	52	5	8	20	11
Education	Graduation (Bachelor)	78	20	39	25	14
	Post- graduation (Master)	25	15	34	26	17

However, *Hoichoi* was found to be most popular among females while Netflix was found to be the most popular among males. A similar pattern was identified for the different educational groups, in which Netflix was the most-viewed OTT among the graduate students and *Hoichoi* was the most-viewed one for the postgraduate students.

Knowledge of the newly drafted law

Data shows that most participants have yet to hear about the newly drafted online, social media, and OTT content regulation law. The study also found that the percentage of females who reported knowing about this law was higher than males, and the percentage of graduates who reported knowing about this law was higher than the postgraduates (Table 03).

Table 03: Knowledge about newly drafted OTT law

	Never heard of it (%)	Knows about it (%)
	69	31
Age		
18 to 21 years	55	45
22 to 25 years	72	28
26 to 29 years	74	26
Sex		
Female	65	35
Male	72	28

Education		
Graduation (Bachelor)	68	32
Post-graduation (Master)	74	26

Data shows that most participants have yet to hear about the newly drafted online, social media, and OTT content regulation law. The study also found that a higher percentage of females reported knowing about the law than males, and a higher percentage of graduate-level participants know about this law than the postgraduate ones.

While exploring the sources of their knowledge, most of the participants reported that they came to know about this law through an online search, while a significant percentage of participants reported that they came to know about this law through their friends. Interestingly, approximately 13 percent of the participants reported the OTT platforms as their source of knowledge regarding this law, and none of the participants reported television media as their source.

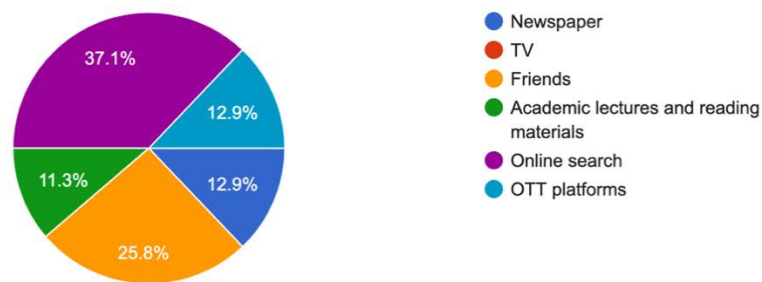


Figure 1: Source of knowledge regarding the newly drafted OTT law

Perception of the newly drafted law

Of the total participants, all of them reported that a dedicated law for regulating online, social media, and OTT platforms are needed to regulate pornographic and sexual content, while 70 percent of the participants reported it is needed for regulating violent content. In contrast, only 10 percent of participants thought this law needed to stop willful misinformation and conspiracy (Figure 2).

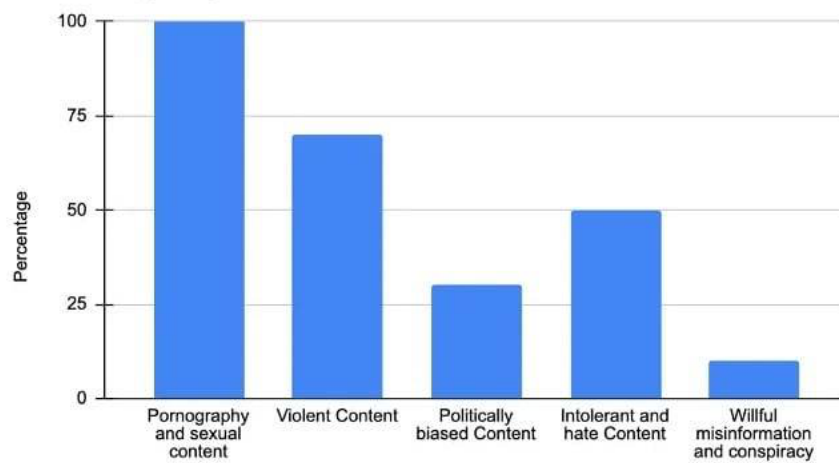


Figure 2: Participants' perception regarding the reasons for having a dedicated law for regulating OTT platforms

To further explore students' perception towards this newly drafted law, this study included specific questions on their perception of the— (i) need for a dedicated law for OTT platforms, (ii) barriers to the creative freedom of the content creators, and (iii) possible misuse of this law. Data shows that around sixty percent of the participants strongly agree that a dedicated law is needed for regulating OTT platforms, while less than ten percent strongly disagree with it. Furthermore, most participants somewhat agree that having a dedicated law would put a barrier to the creative freedom of the content creators; almost a quarter neither agree nor disagree with it. In addition, more than half of the participants think this law can be misused (Figure 3).

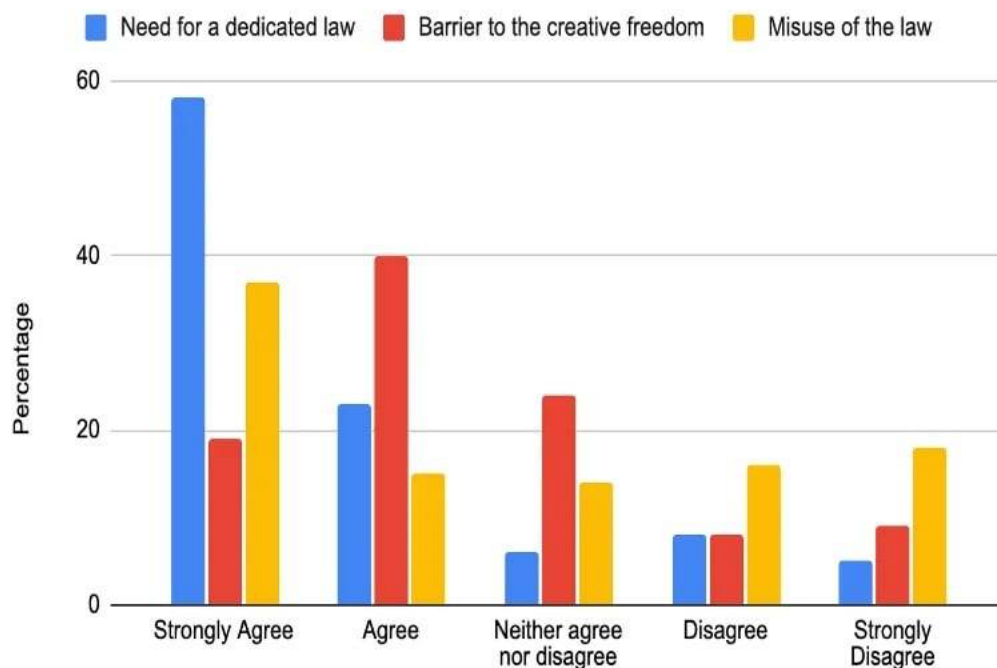


Figure 3 Students' Perception towards the newly drafted OTT law

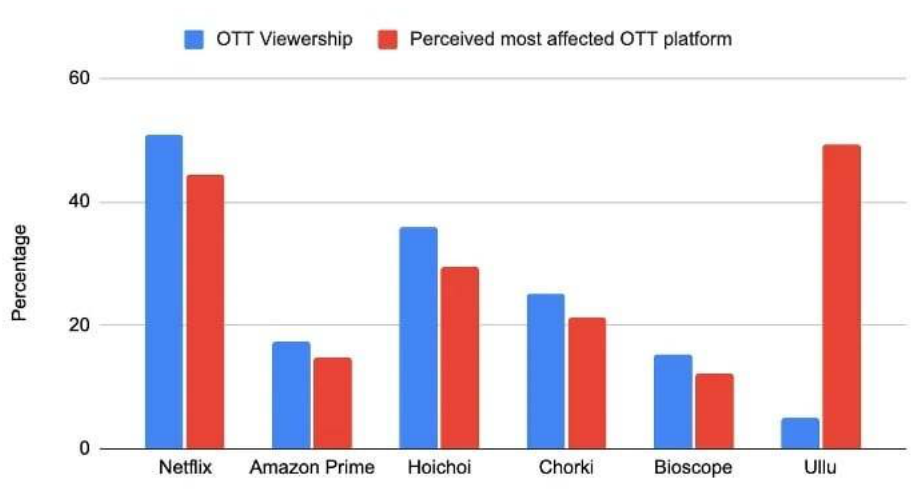


Figure 4: OTT viewership compared to students' perception of the most-affected platform due to the newly drafted law

In an attempt to explore students' perception towards the OTT platform that will be most affected if this law is enacted, the study found that almost half of the participants think *Ullu*, an Indian-owned OTT platform, will be the most affected one. Compared to the reported OTT viewership of the participants and their perception of the most-affected platform, this platform has the highest disparity (Figure 4).

Discussion

This study is one of the first explorative studies regarding students' knowledge and perception regarding the newly drafted law to regulate digital, social media, and OTT platforms focusing on university students. It adds much-needed evidence on the OTT viewership pattern in university students across socio-demographic groups while exploring their knowledge and perception regarding the newly drafted law.

We found a significant gap regarding participants' knowledge of the newly drafted OTT law as most participants reported not knowing about this law, which was consistent for different sex, age, and educational status groups (Table 03). Although there were fewer females in this study as the research participants than the males (Table 01), the percentage of females were higher than males for the knowledge of the OTT law (Table 03). Of the participants claiming to know about the law reported online search in most instances as the source of their knowledge (Figure 1); however, being able to search for something online requires at least some knowledge about the phenomenon and the keywords¹, which implies that online search cannot be done without having at least some prior knowledge

¹ Wichor M Bramer and others, 'A Systematic Approach to Searching: An Efficient and Complete Method to Develop Literature Searches' (2018) 106 *Journal of the Medical Library Association* <<http://jmla.pitt.edu/ojs/jmla/article/view/283>> accessed 5 April 2023.

about the phenomenon and the relevant keywords. Of the participants who marked themselves as knowing about the draft OTT law, a percentage of them reported OTT platforms as their source of knowledge (Figure 1); however, at the time of conducting this research, the research team was unable to identify any textual, audio, or visual content on these OTT platforms regarding the newly drafted law.

According to most of the participants, there is a need for a dedicated law for regulating content on OTT platforms (Figure 3) for regulating pornographic, violent, and intolerant content (Figure 2). As there are preexisting laws for regulating pornographic², intolerant³, and politically biased content⁴ online in Bangladesh, this finding shows that the participants perceive the scope of these laws to regulate the OTT platforms are limited. However, they have also expressed their concerns that having this law can become a barrier for the creative freedom of the content creators and it can also be misused (Figure 3). Studies found that there are two trends in the OTT regulatory laws, one of which emphasizes self-regulation by the OTT platforms⁵ and another is the regulation through government bodies⁶, and the current draft of the law is lenient to the latter way of regulation in which government authorities will regulate the contents following its constitution and the interest of the people.

With 200,000 active users, Netflix is the largest OTT platform in Bangladesh in terms of market share⁷, which supports the findings of this study (Figure 4). Although Amazon prime, Hulu, and *Ullu* are not officially operating in Bangladesh⁸, the participants reported Amazon prime as the second most viewed OTT platform (Figure 4). Furthermore, *Ullu* was found to have the most considerable disparity between reported viewership and the OTT platform they perceive to be the most affected if the law mentioned above comes into force. As this OTT platform, i.e., *Ullu*, is known for its “bold and edgy content” that often operates around the boundary of pornographic and sexually explicit content⁹ and as participants

² Pornography Regulation Act 2012, s 8(3).

³ The Digital Security Act 2018, s 8 and 28

⁴ *ibid*

⁵ Simon Kemp, 'Digital 2022: Bangladesh' (*DataReportal – Global Digital Insights*, 2022)

<<https://datareportal.com/reports/digital-2022-bangladesh>> accessed 1 January 2023.; Bangladesh

Telecommunication Regulatory Commission Regulation for Digital, Social Media, and OTT Platforms 2021;

Ashutosh Sarkar and Zyma Islam, 'BTRC Draft Rules on OTT: Govt given Indemnity for Its Actions' (*The Daily Star*, 20 October 2022) <<https://www.thedailystar.net/news/bangladesh/news/btrc-draft-rules-ott-govt-given-indemnity-its-actions-3147256>> accessed 1 January 2023.

⁶ Shivani Pattnaik, 'OTT Platforms: To Regulate or Not to Regulate?' (*Indian Review of Adv*, 21 February 2021) <<https://www.iralr.in/post/ott-platforms-to-regulate-or-not-to-regulate>> accessed 1 January 2023.

⁷ Abu Shahed Emon, 'OTT in Bangladesh: Possibilities and Obstacles' *The Business Standard* (Dhaka, 28 January 2021) <<https://www.tbsnews.net/first-anniversary/ott-bangladesh-possibilities-and-obstacles-193111>> accessed 5 March 2023.

⁸ *ibid*

⁹ Anuj Bhatia, 'As *Ullu* Looks beyond Risque, CEO Open to Censorship, Even Adds It as Feature in App' (*The Indian Express*, 19 February 2021) <<https://indianexpress.com/article/entertainment/web-series/ullu-web-series-bold-shows-ceo-open-to-censorship-7195467/>> accessed 1 January 2023.

reported regulating pornographic content is the top reason for having this dedicated law, perfectly aligns with their perception that this platform will be most-affected for this law.

Conclusion

With the rapid adoption of over-the-top (OTT) platforms for entertainment, the need to regulate its contents are growing which is engendering either the introduction of dedicated laws or modification of existing laws. This study aimed to investigate the knowledge and perception of legal studies students regarding the newly drafted content regulation law in Bangladesh for digital, social media, and OTT platforms. The findings of the study suggest that while there is a need for a dedicated law to regulate OTT platform content, participants' knowledge of the newly drafted law is limited, indicating the need for better communication and dissemination of information regarding the law. Additionally, the study found that participants expressed concerns regarding the potential for the law to pose a barrier to creative freedom and be misused.

To ensure the effectiveness of the law, it is important to strike a balance between creative freedom and regulation while providing safeguards against potential misuse. Moreover, this study provides insights into the perception of a crucial stakeholder group regarding the newly drafted law, which can inform future policymaking and regulation of OTT platforms in Bangladesh. Overall, this study highlights the importance of involving key stakeholders, such as legal studies students, in the development and implementation of regulatory laws to ensure that they are effective, balanced, and informed by a range of perspectives.

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